



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,265	11/02/2001	Art Shelest	M1103.70084US00	2501
45840	7590	03/23/2006	EXAMINER	
WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			KUIPER, ERIC J	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,265	SHELEST ET AL.	
	Examiner	Art Unit	
	Eric Kuiper	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 have been presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 9-14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Biederman (US 7,006,526, hereinafter Biederman).

4. As per claim 1, Biederman teaches a method to set at least one computer setting (e.g. col. 2, lines 48-54) comprising the steps of:

determining a largest value and a major value in a superset of values (e.g. col. 2, lines 48-54; col. 7, lines 45-57);

setting the at least one computer setting to a value greater than or equal to one of the largest value and the major value (e.g. col. 2, lines 64-67; col. 3, lines 1-4).

5. As per claim 2, Biederman teaches the method of claim 1 wherein the at least one computer setting is a window scaling factor and the step of setting the at least one computer setting to the value greater than or equal to the one of the largest value and the major value

Art Unit: 2154

comprises the step of setting the window scaling factor to a value greater than or equal to the one of the largest value and the major value (e.g. col. 2, lines 64-67; col. 3, lines 1-4, 17-22).

6. As per claim 3, Biederman teaches the method of claim 2 wherein the major value of the window scaling factor is 256 and wherein the step of setting the window scaling factor to a value greater than or equal to the one of the largest value and the major value comprises the step of setting the window scaling factor to 256 (e.g. col. 9, lines 12-19).

7. As per claim 4, Biederman teaches the method of claim 1 wherein the step of setting the at least one computer setting to a value greater than or equal to one of the largest value and the major value includes the step of negotiating the value (e.g. window size agreement between client and NAT, col. 5, lines 58-65; col. 6, lines 34-43).

8. As per claim 5, Biederman teaches a method to negotiate an option in a computer environment (e.g. col. 5, lines 58-65; col. 6, lines 34-43) comprising the steps of:

predicting if the option will be needed (e.g. col. 2, lines 64-67; col. 3, lines 1-4);

if the option is predicted to be needed, predicting if the option will need a value outside of a normal range of values (e.g. col. 8, lines 50-67; col. 9, lines 1-7):

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting to use that is outside of the normal range of values (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7);

Art Unit: 2154

setting the value to the outside setting (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7);

if the option is not predicted to need the value outside of the normal range of values:

setting the value to a normal setting within the normal range of values (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7).

9. As per claim 9, Biederman teaches the method of claim 5 wherein the option is a window scaling factor and wherein the step of setting the value to an outside value includes setting the window scaling factor to a value of 256 (e.g. col. 2, lines 64-67; col. 3, lines 1-4, 17-22; col. 9, lines 12-19).

10. As per claim 10, Biederman teaches a computer readable medium having computer executable instructions for setting a computer setting (e.g. col. 2, lines 48-54), the computer executable instructions performing the steps comprising:

obtaining a range of values used for the computer setting (e.g. col. 2, lines 48-54);

determining a largest value in the range of values (e.g. col 2, lines 48-54; col. 7, lines 45-57);

setting the computer setting to a value greater than or equal to the largest value (e.g. col. 2, lines 48-54; col. 3, lines 64-67; col. 3, lines 1-4).

Art Unit: 2154

11. As per claim 11, Biederman teaches the computer-readable medium of claim 10 wherein the computer setting is a window scaling factor and the step of setting the computer setting to the value greater than or equal to the largest value comprises the step of setting the window scaling factor to a value greater than or equal to the largest value (e.g. col. 2, lines 64-67; col. 3, lines 1-4, 17-22).

12. As per claim 12, Biederman teaches the computer-readable medium of claim 11 wherein the step of setting the window scaling factor to a value greater than or equal to the largest value comprises the step of setting the window scaling factor to 256 (e.g. col. 9, lines 12-19).

13. As per claim 13, Biederman teaches the computer-readable medium of claim 10 wherein the step of setting the computer setting to a value greater than or equal to the largest value includes the step of negotiating the value (e.g. col. 5, lines 58-65; col. 6, lines 34-43).

14. As per claim 14, Biederman teaches a computer readable medium having computer executable instructions for negotiating an option in a computer environment (e.g. col. 5, lines 58-65; col. 6, lines 34-43), the computer executable instructions performing the steps comprising:

predicting if the option will be needed (e.g. col. 2, lines 64-67; col. 3, lines 1-4);

if the option is predicted to be needed:

predicting if the option will need a value outside of a normal range of values (e.g. col. 8, lines 50-67; col. 9, lines 1-7):

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting to use that is outside of the normal range of values (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7);

setting the value to the outside setting (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7);

if the option is not predicted to need the value outside of the normal range of values:

setting the value to a normal setting within the normal range of values (e.g. col. 6, lines 49-58; col. 8, lines 50-67; col. 9, lines 1-7).

15. As per claim 18, Biederman teaches the computer-readable medium of claim 14 wherein the option is a window scaling factor and wherein the computer-executable instructions for performing the step of setting the value to an outside value includes computer-executable instructions for setting the window scaling factor to a value of 256 (e.g. col. 2, lines 64-67; col. 3, lines 1-4, 17-22; col. 9, lines 12-19).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 6-8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biederman (US 7,006,526, hereinafter Biederman) in view of Dandalis et al. "An Adaptive Cryptographic Engine for IPsec Architectures" (hereinafter Dandalis).

19. As per claim 6, Biederman teaches the method of claim 5, including processors to provide security functions, but fails to specifically teach the method wherein the option is an Internet security encryption option, and wherein the step of setting the value to a normal setting includes setting an encryption key size to one of 40 bit, 128 bit, 192 bit and 256 bit.

However, in a similar art, Dandalis teaches an IP network cryptography system that includes the setting of an encryption key size to one of 128 bit, 192 bit and 256 bit (e.g. Dandalis, Abstract; section 4.1, pages 136-137).

It would have been obvious to one skilled in the art at the time the invention was made to combine Dandalis with Biederman because of the advantages of using Internet security encryption keys of standard size. As Dandalis states, "the need for securing the Internet has become a fundamental issue, especially for transmitting confidential data" (e.g. Dandalis, section 1, page 132). The Internet itself is unprotected, which leaves the users with the burden of

Art Unit: 2154

securing their own communications. The use of IPsec and the Advanced Encryption Standard (AES) is well known in the art for providing secure communications between parties communicating using the Internet. These both provide fast, efficient and safe methods of encrypting network communication, which is beneficial, and almost a necessity, in any computer network.

20. As per claim 7, Biederman and Dandalis teach the method of claim 6 wherein the step of setting an encryption bit size to the one of 40 bit, 128 bit, 192 bit and 256 bit includes the steps of predicting a highest value that will be needed and setting the encryption key size to the highest value (e.g. Biederman, col. 8, lines 50-61).

21. As per claim 8, Biederman and Dandalis teach the method of claim 6 wherein the method includes negotiating IPsec protocol options (e.g. Dandalis, Abstract; section 1, pages 132-133).

22. As per claim 15, Biederman teaches the computer-readable medium of claim 14, including processors to provide security functions, but fails to specifically teach the medium wherein the option is an internet security encryption option, and wherein the computer-readable medium has further computer-executable instructions for performing the step of setting an encryption key size to one of 128 bit, 192 bit and 256 bit.

However, in a similar art, Dandalis teaches an IP network cryptography system that includes the setting of an encryption key size to one of 128 bit, 192 bit and 256 bit (e.g. Dandalis, Abstract; section 4.1, pages 136-137).

It would have been obvious to one skilled in the art at the time the invention was made to combine Dandalis with Biederman for similar reasons as stated above in regards to claim 6.

23. As per claim 16, Biederman and Dandalis teach the computer-readable medium of claim 15 having further computer-executable instructions for performing the steps of predicting a highest value that will be needed and setting the encryption key size to the highest value (e.g. Biederman, col. 8, lines 50-61).

24. As per claim 17, Biederman and Dandalis teach the computer-readable medium of claim 15 having further computer-executable instructions for performing the steps including negotiating IPSec protocol options (e.g. Dandalis, Abstract; section 1, pages 132-133).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Kuiper whose telephone number is (571) 272-0953. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Kuiper
15 March 2006


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100